

AA/RA Pre-Brief: Preparing for EPA-DOD Leadership Meeting on Open Burning/Open Detonation

Office of Resource Conservation and Recovery

April 28, 2022

Agenda

- Background on OB/OD
- EPA Actions
 - OB/OD Policy Memo
 - Rulemaking
- EPA-DoD Leadership Meeting
 - Review Agenda: Attendees, Objective, EPA/DoD Perspectives
 - EPA Requests for DoD

Background: EPA Regulations

- In 1980, EPA prohibited open burning, including open detonation, of hazardous waste.
- However, an exception was allowed for OB/OD of waste explosives “which cannot safely be disposed of through other modes of treatment” (40 CFR 265.382).
- Explosives include military ammunition, explosives, rocket propellants (e.g., RDX, HMX, IMX, TNT, and perchlorate), fireworks, flares, and auto airbag explosives that are discarded.

Background: EPA Regulations

- In 1987, EPA finalized permitting standards for miscellaneous units (40 CFR part 264 subpart X).
- Under Subpart X, units must be designed and operated in manner that will ensure protection of human health and the environment (40 CFR 264.601).
- In the preamble to the 1987 rule, EPA listed OB/OD of waste explosives “as defined in § 265.382” as example units covered under Subpart X.

Background:

Universe of OB/OD

- There have been 225 OB/OD facilities that have operated since 1980.
- Currently, 67 of those facilities are operating.
- Two thirds are no longer operating and are in various stages of closure.

Owner	Operating	%Total
DoD Total	38	57%
Army	20	
Navy/ Marines/ joint base	10	
Air Force	8	
NASA	1	1%
DOE	4	6%
Private	23	35%
Local Gov	1	1%
Universe Total	67	100%

Background:

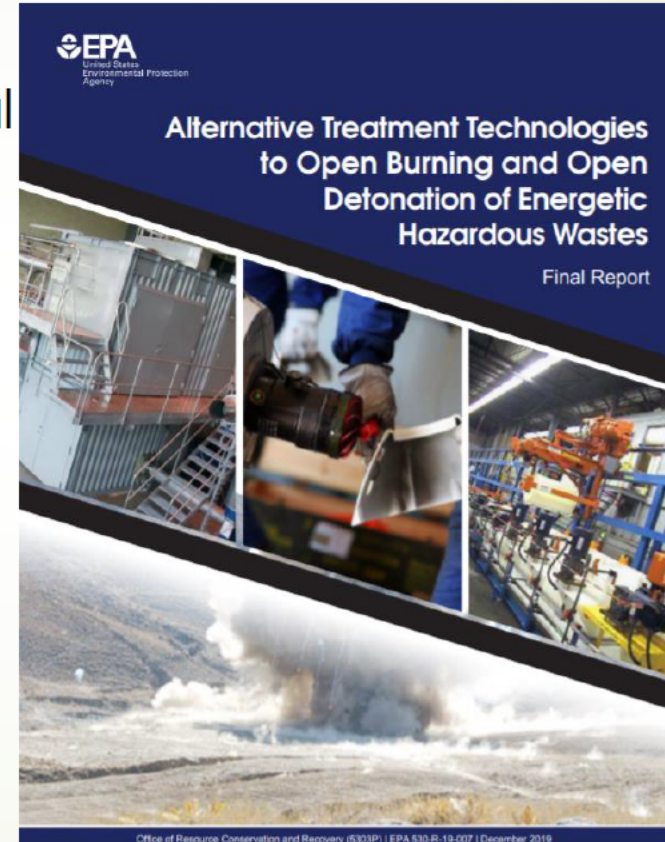
Concerns with OB/OD

- OB/OD lacks controls needed for complete combustion and for control of emissions.
- Potential to release heavy metals, perchlorate, particulates, PFAS, dioxins/furans, explosive compounds, and other toxic contaminants.
- Communities are concerned with contamination of air, soils, surface water, sediments, and groundwater through release, deposition and kickout.



Background: Alt Tech Reports

- In 2019, the EPA and the National Academies of Sciences, Engineering, and Medicine (NASEM) published separate reports describing many alternative technologies now available to treat explosive waste.



Background: DoD-EPA OB/OD Workgroup

- Since 2018, EPA and DoD have been meeting quarterly to discuss issues with OB/OD.
- Formed to address the following issues:
 - Public Perception
 - Alternative Technologies
 - Sensitive Locations – Potential Risk Exposure
 - Closure Standards
 - Risk Assessments
 - Active Monitoring and Site Assessments

Actions: Open Burning/Open Detonation

- EPA has initiated rulemaking to revise OB/OD standards.
- On a shorter timeframe, EPA is developing a policy memo to communicate requirements and provide guidance to Regions, states, and territories with respect to permitting OB/OD units.



Actions: Proposed Rulemaking (Late 2022/Early 2023)

- Key feedback points heard from early engagement stakeholder meetings held in February/March
 - Regulators: generally supportive; concerned with implementation challenges
 - Environmental/Community Groups: they want EPA to ban OB/OD across the board
 - Regulated Entities: safety is paramount; funding questions; preserve ability to use OB/OD
- (b)(5)

Actions: OB/OD Policy Memo (May 2022)

- (b)(5) [Redacted]
[Redacted]
- [Redacted]
[Redacted]
[Redacted]
- [Redacted]
- [Redacted]
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Actions: OB/OD Policy Memo

- (b)(5) [REDACTED]

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(b)(5) [REDACTED]

Actions: OB/OD Policy Memo

- (b)(5)

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(b)(5)

EPA-DoD Leadership Meeting: Draft Agenda

- **Turn to draft agenda;** review attendees, objective, and EPA/DoD perspectives

EPA-DoD Leadership Meeting: Asks for DoD

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